

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5532

Chapter 119, Laws of 1998

55th Legislature
1998 Regular Session

MEDIATION REGARDING LAND-USE DECISIONS INVOLVING CONDITIONAL USE
PERMITS

EFFECTIVE DATE: 6/11/98

Passed by the Senate February 9, 1998
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 1998
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 23, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5532** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 23, 1998 - 4:33 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5532

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen and Winsley)

Read first time 03/05/97.

1 AN ACT Relating to mediation in land-use decisions involving
2 conditional or special use permits; adding a new section to chapter
3 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new
4 section to chapter 36.70 RCW; adding a new section to chapter 35.22
5 RCW; and adding a new section to chapter 36.32 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63 RCW
8 to read as follows:

9 (1) Prior to filing an appeal of a final decision by a hearing
10 examiner involving a conditional or special use permit application
11 requested by a party that is licensed or certified by the department of
12 social and health services or the department of corrections, the
13 aggrieved party must, within five days after the final decision,
14 initiate formal mediation procedures in an attempt to resolve the
15 parties' differences. If, after initial evaluation of the dispute, the
16 parties agree to proceed with a mediation, the mediation shall be
17 conducted by a trained mediator selected by agreement of the parties.
18 The agreement to mediate shall be in writing and subject to RCW
19 5.60.070. If the parties are unable to agree on a mediator, each party

1 shall nominate a mediator and the mediator shall be selected by lot
2 from among the nominees. The mediator must be selected within five
3 days after formal mediation procedures are initiated. The mediation
4 process must be completed within fourteen days from the time the
5 mediator is selected except that the mediation process may extend
6 beyond fourteen days by agreement of the parties. The mediator shall,
7 within the fourteen-day period or within the extension if an extension
8 is agreed to, provide the parties with a written summary of the issues
9 and any agreements reached. If the parties agree, the mediation report
10 shall be made available to the governing jurisdiction. The cost of the
11 mediation shall be shared by the parties.

12 (2) Any time limits for filing of appeals are tolled during the
13 pendency of the mediation process.

14 (3) As used in this section, "party" does not include county, city,
15 or town.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63 RCW
17 to read as follows:

18 A final decision by a hearing examiner involving a conditional or
19 special use permit application under this chapter that is requested by
20 a party that is licensed or certified by the department of social and
21 health services or the department of corrections is subject to
22 mediation under section 1 of this act before an appeal may be filed.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW
24 to read as follows:

25 A final decision by a hearing examiner involving a conditional or
26 special use permit application under this chapter that is requested by
27 a party that is licensed or certified by the department of social and
28 health services or the department of corrections is subject to
29 mediation under section 1 of this act before an appeal may be filed.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.22 RCW
31 to read as follows:

32 A final decision by a hearing examiner involving a conditional or
33 special use permit application under a home-rule charter that is
34 requested by a party that is licensed or certified by the department of
35 social and health services or the department of corrections is subject
36 to mediation under section 1 of this act before an appeal may be filed.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32 RCW
2 to read as follows:

3 A final decision by a hearing examiner involving a conditional or
4 special use permit application under a home-rule charter that is
5 requested by a party that is licensed or certified by the department of
6 social and health services or the department of corrections is subject
7 to mediation under section 1 of this act before an appeal may be filed.

 Passed the Senate February 9, 1998.

 Passed the House March 5, 1998.

 Approved by the Governor March 23, 1998.

 Filed in Office of Secretary of State March 23, 1998.